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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2003 63682

NASIR AHMED
3321 Sandstone Court
Palmdale, California 93551

A C C U S A T I O N

Physical Therapist Assistant License No.
AT 2338

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, (Board) Department of Consumer Affairs.

2. On or about November 5, 1990, the Board issued Physical Therapist Assistant License Number AT 2338 to Nasir Ahmed (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on February 2, 2006, unless renewed.

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1 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
2 substantially related to the qualifications, functions or duties of a person holding a license under t
3 he Physical Therapy Practice Act if to a substantial degree it evidences present or potential
4 unfitness of a person to perform the functions authorized by the license or approval in a manner
5 consistent with the public health, safety or welfare. Such crimes or acts shall include but not be
6 limited to the following:

7 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or
8 abetting the violation of, or conspiring to violate any provision or term of the Physical
9 Therapy Practice Act. . . .”

10 8. Section 2661.5, subdivision (a) of the Code states:

11 “In any order issued in resolution of a disciplinary proceeding before the board, the
12 board may request the administrative law judge to direct any licensee found guilty of
13 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of
14 the investigation and prosecution of the case.”

15 CAUSE FOR DISCIPLINE

16 (Conviction of a Crime)

17 9. Respondent is subject to disciplinary action under sections 2660,
18 subdivision (d), and 2661 of the Code, and California Code of Regulations, Title 16, section
19 1399.20, subdivision (a), in that he was convicted of a crime substantially related to the
20 qualifications, functions, or duties of a physical therapy assistant. The circumstances are as
21 follows:

22 I. March 30, 2004 Conviction

23 A. On March 30, 2004, in a criminal proceeding entitled *People v.*
24 *Nasir Ahmed*, in Superior Court, Los Angeles County, Case No. 4DW00063, respondent
25 was convicted by a plea of nolo contendere to the crime of driving with .08% or higher
26 blood alcohol, a violation of Vehicle Code section 23152, subdivision (b), a misdemeanor.

27 B. On March 30, 2004, respondent was placed on probation for five
28 years. He was ordered to serve 180 days in county jail, pay fines of \$2,489.00, participate

1 in an 18-month treatment program, attend two Alcoholics Anonymous meetings per week
2 for a year, attend one session of the victim impact program, and his driving privilege was
3 revoked for two years.

4 C. The facts and circumstances surrounding this offense are as follows:
5 On October 27, 2003, a Los Angeles County Deputy Sheriff responded to a call regarding
6 an erratic driving incident. The deputy sheriff found respondent in his parked vehicle with
7 the engine running at a Wendy's restaurant parking lot. Upon contact with respondent, the
8 deputy sheriff detected a strong odor of alcohol on his breath and person, and observed
9 that his eyes were bloodshot and watery, his speech was slurred, and his gait was unsteady.
10 Respondent told the deputy he had three drinks, including beer and cocktails. He failed
11 the field sobriety tests. Respondent's blood alcohol content was .23%.

12 Respondent was arrested and charged with driving under the influence of
13 alcohol, a violation of Vehicle Code section 23152, subdivision (a), and driving with .08%
14 or higher blood alcohol, a violation of Vehicle Code section 23152, subdivision (b).

15 II. June 17, 1998 Convictions

16 D. On June 17, 1998, in a criminal proceeding entitled *People v. Nasir*
17 *Ahmed*, in Municipal Court, Los Angeles County, Newhall Judicial District, Case No.
18 8NE01236, respondent was convicted by a plea of nolo contendere to the crime of driving
19 with .08% or higher blood alcohol, a violation of Vehicle Code section 23152, subdivision
20 (b), a misdemeanor. Respondent was placed on probation for five years, and was ordered
21 to pay fines of \$1,305.00, participate in an 18-month alcohol program, and his driving
22 privilege was restricted for 18 months.

23 E. The facts and circumstances surrounding this offense are as follows:
24 On April 7, 1998, respondent was investigated by a California Highway Patrol Officer for
25 driving under the influence of alcohol. The officer detected an odor of alcohol on
26 respondent's breath, and observed that his eyes were red and watery, his speech was
27 slurred and slow, and he had difficulty with his balance. Respondent admitted he had been
28 drinking beer and wine. He failed the field sobriety tests. The results of his breath test

1 indicated his blood alcohol content was .11%.

2 Respondent was arrested and charged with driving under the influence of
3 alcohol and driving with .08% or higher blood alcohol, violations of Vehicle Code section
4 23152, subdivisions (a) and (b).

5 F. On June 17, 1998, in a criminal proceeding entitled *People v. Nasir*
6 *Ahmed*, in Municipal Court, Los Angeles County, Newhall Judicial District, Case No.
7 8NE00678, respondent was convicted by a plea of nolo contendere to the crime of reckless
8 driving involving the consumption of alcohol, a violation of Vehicle Code section 23103,
9 a misdemeanor. Respondent was placed on probation for three years, and was ordered to
10 pay fines of \$1,205.00, and participate in an 18-month alcohol program concurrent with
11 the program in Case No. 8NE00678.

12 G. The facts and circumstances surrounding this offense are as follows:
13 On February 8, 1998, a California Highway Patrol Officer made an enforcement stop after
14 responding to a call regarding a possible intoxicated driver. Upon contact with
15 respondent, the officer detected an odor of alcohol on his breath, and observed that his
16 eyes were bloodshot and watery, his speech was slurred, and his gait was unsteady. When
17 the officer asked him if he had been drinking, respondent stated he had four beers. He
18 failed the field sobriety tests. The results of his breath test indicated his blood alcohol
19 level was .11%.

20 Respondent was arrested and charged with driving under the influence of
21 alcohol and driving with .08% or higher blood alcohol, violations of Vehicle Code section
22 23152, subdivisions (a) and (b).

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

4 1. Revoking or suspending Physical Therapist Assistant License Number AT
5 2338 issued to Nasir Ahmed;

6 2. Ordering Nasir Ahmed to pay the Physical Therapy Board of California the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 2661.5;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: February 8, 2005

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13 Original Signed By:
14 STEVEN K. HARTZELL
15 Executive Officer
16 Physical Therapy Board of California
17 State of California

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Complainant